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QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[28 February 1997]

GE.97-10819 (E)

1. In this submission, the International Federation of Human Rights Leagues (FIDH) and the Palestinian Centre for Human Rights wish to discuss Israel's violations of standards of international human rights law in respect of the Palestinian people in the Occupied Palestinian Territories (OPTs). (The Palestinian Centre for Human Rights is an independent legal agency dedicated to protecting and promoting human rights, respect for the rule of law, and democratic principles in the Occupied Palestinian Territories. Established in April 1995 by a group of Palestinian lawyers and human rights activists in the Gaza Strip, the Centre is an affiliate of the International Commission of Jurists and partner to the FIDH. The Centre is a 1996 recipient of the Republic of France's Human Rights Award, "Liberté, Egalité, Fraternité").

2. The political process towards the attainment of peace in the region has failed to ensure adequate respect for the human rights of the Palestinian people. The political agreements have not ended Israel's occupation of the Gaza Strip and West Bank, including East Jerusalem; Israel has retained overall control of the OPTs and direct internal control of 42 per cent of the Gaza Strip and 97 per cent of the West Bank. Consequently, the Fourth Geneva Convention remains in force and its provisions continue to protect the rights of the Palestinian people and to define the legality of Israel's activities as an Occupying Power and as a High Contracting Party.

3. The consequences of the deficiencies of the political process were witnessed in the September 1996 clashes between Israeli armed forces and Palestinians. These saw the highest level of force used by Israeli forces and the greatest number of injuries and deaths in the OPTs since the 1967 war. Israel employed tanks and Huey Cobra attack helicopters against unarmed Palestinian civilians; 64 Palestinians and 15 Israeli soldiers were killed and an estimated 1,600 Palestinians were injured.

4. The causal factors of the clashes were, inter alia, the imposition of closures; non-release of Palestinian prisoners; maintenance and expansion of settlements; and changing the status quo in Jerusalem. These issues are central to the human rights of the Palestinian people and they are being ignored, supposedly for the sake of the political process. The FIDH and the Palestinian Centre for Human Rights believe that the violence of September 1996 shows that the failure to make the human rights of the Palestinian people a priority is to the detriment of a peaceful outcome to the political process.

Closure of the West Bank and Gaza Strip

5. Throughout most of 1996 Israel imposed a very severe closure on the OPTs, in response to four suicide bombings carried out by Islamic groups in Israel in February and March 1996. Closures are enforced by Israeli military authorities at the border between Israel and the OPTs, facilitating control over movement of goods and people. The imposition of closures has become Israel's prime mechanism of control since redeployment. Between May 1994 and 25 February 1996, Israel totally closed the Gaza Strip for over 300 days and for 200 days between 25 February 1996 and September 1996.

6. The closures prevent freedom of movement. Nine Palestinians died during the first 10 days of the total closure imposed in February 1996 because they

were denied access to vital medical treatment not available in Gaza; 22,000 Palestinians who migrate daily to work in Israel are prevented from doing so; 1,200 Palestinian students from the Gaza Strip are prevented from reaching their universities and colleges in the West Bank; Palestinian families are separated and family visits to Palestinian prisoners held illegally in Israeli prisons are restricted.

7. The closure enforces a separation between the OPTs, in violation of the Agreements, which require the "West Bank and Gaza Strip to be viewed as a single territorial unit whose integrity will be preserved during the interim period", and which also require Israel to provide safe passages between the West Bank and Gaza Strip to facilitate this movement, which it has failed to do. The 1996 total closures caused the near collapse of the economies of the West Bank and Gaza Strip, causing severe levels of poverty. Unemployment rates reached 70 per cent in the Gaza Strip and 55 per cent in the West Bank; GNP dropped by 35 per cent and inflation hovered at 18 per cent. Israeli policy throughout the occupation has been to maintain the Gaza Strip in a state of total dependency; a relationship which has unfortunately been reinforced by the Agreements, and which makes the effects of the closure more resonant. Economic independence for the OPTs is inextricably linked with human rights and self-determination. Article 1 (2) of the International Covenant on Economic Social and Cultural Rights provides: "In no case may a people be deprived of its own means of subsistence." During the total closures Israel prevented the passage of humanitarian aid. While there were shortages of basic foodstuffs and medical supplies in Gaza, Israel prevented the importation of these vital supplies, in violation of the Fourth Geneva Convention which requires Israel as an Occupying Power to ensure that the Palestinian population has adequate supplies of food and medicine, and as a High Contracting Party to allow free passage of consignments of necessary food and medicine. The total closures imposed in 1996 are reprisals and constitute the collective punishment of the civilian population, in grave breach of the Fourth Geneva Convention.

8. The total closure has been eased, but it is a mechanism that remains in place and continues to be a primary means of control over the OPTs.

Imprisonment of Palestinian prisoners in Israel

9. Upon redeployment in May 1994, Israel transferred Palestinian prisoners held in the OPTs to prisons in Israel, in violation of article 76 of the Fourth Geneva Convention. Israel has delayed the release of these prisoners in violation of its commitment to do so in the Agreements.

10. Palestinians continue to be arrested at border-crossing points and around 250 a week are brought before Israel's military courts. Israel has legitimized the use of torture during the interrogation of Palestinian detainees and is possibly the only State in the world to do so.

Expansion of Jewish settlements in the Occupied Territories

11. In violation of the Fourth Geneva Convention, which prohibits the transfer of the Occupying Power's own civilian population into occupied territory, Israel places Jewish settlements amongst the Palestinian population

in the OPTs, in heavily fortified areas protected by Israeli armed forces. The building of settlements and their infrastructure entails the confiscation of thousands of dunams of land from Palestinian families; since 1993, over 80,000 dunams have been confiscated. The settlements are strategically placed to prevent the expansion of Palestinian towns, and are designed to further the cantonization of the OPTs and restrict freedom of movement.

12. Even though the parties to the Agreements have committed themselves not to take actions which change facts on the ground and prejudice the outcome of the final status negotiations, Israel has continued to expand the settlements. The number of settlers in the Gaza Strip and the West Bank (excluding Jerusalem) increased from 105,300 in 1992 to 146,000 by the end of May 1996.

Changing the status quo in Jerusalem

13. The postponement of discussions in the political process on the status of Jerusalem should not distract the international community from the fact that East Jerusalem is occupied Palestinian territory and Israel's activities in relation to it are subject to the Fourth Geneva Convention, which forbids the annexation of occupied territory by the occupying State. The consensus of international condemnation on Israel's activities in respect of East Jerusalem is reflected in several Security Council and General Assembly resolutions. It is necessary that this condemnation is reaffirmed in the context of the political process.

14. In violation of international law, Israel has altered the demographic and physical landscape of East Jerusalem to effect its absorption into Israel. Israel has created a Jewish majority in East Jerusalem, but it is also currently inhabited by around 170,000 Palestinians. The Israeli Government seeks to diminish the Arab population of East Jerusalem by restricting the construction of new housing in Arab areas and taking away their rights of residency in East Jerusalem. Land belonging to Palestinians in and around East Jerusalem has been confiscated and a band of Jewish settlements has been built between East Jerusalem and the rest of the West Bank to effect its isolation from the rest of the OPTs.

15. The decision to open the tunnel near al-Aqsa mosque on 23 September 1996 was widely labelled as provocative and irresponsible, and was the catalyst for violent clashes on 25, 26 and 27 September 1996 in the OPTs.

Appeal to the Commission

16. While the FIDH and the Palestinian Centre for Human Rights support all political efforts towards a peaceful outcome, they emphasize that the basis of all efforts should be international law and the protection of the human rights of the Palestinian people, which evidently continue to be violated in spite of the political process. If the issues discussed in this submission are not addressed and the human rights of the Palestinian people are not guaranteed, further violence is a distinct possibility.